

## Message Text

CONFIDENTIAL

PAGE 01 SAN JO 04663 01 OF 02 271549Z

53

ACTION ARA-10

INFO OCT-01 ISO-00 SS-15 NSC-05 L-03 H-02 CIAE-00 INR-07

NSAE-00 SY-05 FBIE-00 PPT-01 SCA-01 DHA-02 JUSE-00

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R 271440Z SEP 76

FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC 5189

C O N F I D E N T I A L SECTION 1 OF 2 SAN JOSE 4663

E.O. 11652: GDS

TAGS: PFOR, PGOV, CS

SUBJECT: CHANGE IN VESCO LAW ON HORIZON

1. SUMMARY: MAINLY BECAUSE THE VESCO ISSUE EMBARRASSES THE ODUBER GOVERNMENT AND THE PLN AS THE PRESIDENTIAL CAMPAIGN APPROACHES, THE ATMOSPHERE IS MORE PROPITIOUS NOW THAN IT HAS BEEN FOR A YEAR AND A HALF FOR THE COSTA RICAN ASSEMBLY TO CHANGE THE 1974 "VESCO" EXTRADITION LAW. WHETHER THERE WOULD BE A NEW LAW AND WHAT IT WOULD BE ARE NOW BEING DEBATED IN THE LEGISLATURE. SOME ELEMENTS OF THE GOVERNMENT AND PLN MAY HAVE IN MIND AN STRATEGY THAT WOULD RELIEVE THEM OF THE ONUS OF THE LAW WHILE AT THE SAME TIME NOT EXPOSING VESCO TO ANY REAL RISK.

SUCH A STRATEGY WOULD IMPACT NEGATIVELY ON THE US WHILE MAKING IT POSSIBLE FOR THE GOCR AND PLN TO DEFEND THEMSELVES AGAINST CHARGES OF PROTECTING VESCO. THESE DEVELOPMENTS MAKE IT IMPORTANT THAT WE BE PREPARED TO MOVE EXPEDITIOUSLY AND ON SHORT NOTICE WITH A WELL PREPARED EXTRADITION REQUEST. END SUMMARY.

2. COSTA RICA'S NATIONAL ASSEMBLY IS DEBATING CHANGING THE 1974 EXTRADITION LAW ("THE VESCO LAW"). AS RESULT OF A RULES PROCEDURE VOTE SEPTEMBER 14, THE EXTRADITION LAW WILL RECEIVE FIRST PRIORITY BEFORE ALL OTHER NEW BUSINESS (EXCEPT EMERGENCY MATTERS) IN THE CURRENT SESSION OF THE ASSEMBLY. THIS DECISION, ACCORDING TO KNOWLEDGEABLE LEGISLATIVE SOURCES, CONFIDENTIAL

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PAGE 02 SAN JO 04663 01 OF 02 271549Z

HAS THE SUPPORT OF THE GOVERNMENT AND PLN. IF THIS IS SO,

IT IS THE STRONGEST INDICATION EVER THAT THIS TIME THERE WILL BE ACTION ON THE VESCO LAW.

3. THERE ARE TWO DRAFT BILLS BEING DISCUSSED. THEY ARE:

A) THE MAJORITY PROPOSAL, FAVORED BY GOVERNMENT PLN DEPUTIES, WHICH ENCOMPASSES A NEW EXTRADITION LAW THAT ELIMINATES SOME OF THE MORE EGREGIOUS ELEMENTS OF THE 1974 LAW THAT FAVOR VESCO.

B) THE MINORITY PROPOSAL, CALLING SIMPLY FOR A RETURN TO THE 1971 EXTRADITION LAW, WHICH STATED EXPLICITLY THAT EXTRADITION TREATIES, WHEN THEY EXIST, GOVERN ALL EXTRADITION MATTERS.

4. YET ANOTHER POSSIBILITY THAT HAS BEEN MENTIONED IN PLN IS SIMPLE REPEAL OF THE VESCO LAW, LEAVING EXTRADITION MATTERS TO BILATERAL TREATIES WHERE THEY EXIST, AND TO GENERAL LEGISLATION COVERING FOREIGNERS WHERE TREATIES DO NOT EXIST.

5. OPPOSITION DEPUTIES, WORKING WITH PLN DEPUTY MIGUEL CORRALES BOLANOS, THE PRIME MOVER OF THE EFFORT, HAVE INTRODUCED A LARGE NUMBER OF MOTIONS THAT ELIMINATE THOSE PARTS OF THE MAJORITY PROPOSAL THAT FAVOR VESCO. EMBASSY UNDERSTANDS THAT IF ALL THESE CHANGES ARE ACCEPTED, OPPOSITION DEPUTIES WILL JOIN FORCES WITH GOVERNMENT PARTY TO FAVOR THE NEW LAW.

6. COMMENT: THE ATMOSPHERE FOR A CHANGE IN THE VESCO LAW, PASSED IN THE FINAL DAYS OF THE FIGUERES ADMINISTRATION, IS MORE PROPITIOUS NOW THAN IT HAS BEEN IN THE PAST YEAR AND A HALF. OPPOSITION LEADERS ARE ENCOURAGED. THEY CLAIM THAT PLN LEADERS HAVE ASSURED THEM OF GOVERNMENT AND PARTY SERIOUSNESS. HOWEVER, THEY POINT OUT THAT THE FINAL PROOF OF THIS DETERMINATION WILL BE IN JUST WHAT CHANGES IN MAJORITY DRAFT LAW WILL BE WORKED OUT, OR IF PLN WILL ACCEPT SIMPLE REPEAL WITH NO NEW LAW.

7 THERE ARE POLITICAL REASONS THAT CAN BE ADDUCED TO WHY DIFFERENT ELEMENTS IN THE PLN AND THE GOVERNMENT MAY WANT TO MOVE AGAINST THE VESCO LAW AT THIS TIME:

A) THE PLN AND THE ODUBER GOVERNMENT MUST DEFLATE CORRUPTION AS A POLITICAL ISSUE IN THE UPCOMING POLITICAL CONFIDENTIAL

CONFIDENTIAL

PAGE 03     SAN JO 04663 01 OF 02 271549Z

CAMPAIGN. THE INTERNAL PLN CANDIDATE SELECTION PROCESS HAS BEGUN; THE PRESIDENTIAL CAMPAIGN BEGINS IN 1977. CORRUPTION WILL BE A PRIME ISSUE; THE VESCO LAW IS ONE OF THE MOST VISIBLE PROOFS OF GOVERNMENT/PARTY CORRUPTION. IN PARTICULAR, THE VESCO LAW IS A SHACKLE TO LUIS ALBERTO MONGE, THE PLN PRE-CANDIDATE WHO COMMANDS A GOOD DEAL OF SUPPORT FROM THE YOUNGER GENERATION OF PLN LEADERS IN THE NATIONAL ASSEMBLY. MONGE'S CAMPAIGN IS BEING WAGED ON HIS OWN PERSONAL HONESTY AND INCORRUP-

TIBILITY; HE PUBLICLY STATES THAT HE HAS NO VESCO TIES.  
THE CONTINUATION OF A VESCO LAW ON THE BOOKS- PERMITTED BY THE  
PLN LEGISLATIVE CONTINGENT IN WHICH MONGE ENJOYS CONSIDERABLE  
POLITICAL SUPPORT- COULD HURT HIS CHANCES BOTH IN THE PLN  
PRIMARY ELECTION, AND IN THE CAMPAIGN IF HE IS THE CANDIDATE.  
REMOVAL OF THE LAW THEN, HAS NOW BECOME A POLITICAL NECESSITY  
FOR THE PLN. THIS SAME GENERAL REASONING, I.E. THAT THE LAW  
IS AN EMBARRASSMENT TO THE PARTY DURING AN ELECTION YEAR,  
ALSO AFFECTS THE CANDIDACY OF THE OTHER PLN HOPEFULS,  
INCLUDING FOR. MIN. GONZALO FACIO.  
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PAGE 01 SAN JO 04663 02 OF 02 271556Z

53

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C O N F I D E N T I A L SECTION 2 OF 2 SAN JOSE 4663

B) ODUBER DOES NOT FEAR FIGUERES POLITICALLY AS MUCH AS  
HE DID. ODUBER NOW FEELS PRIMACY IN THE GOVERNMENT PARTY  
AFTER FIGUERES WAS THWARTED BY THE PLN IN THE EX-PRESIDENT'S  
ATTEMPT TO CHANGE THE CONSTITUTION TO PERMIT HIM TO RUN  
FOR PRESIDENT. THE VESCO ISSUE HAS ALWAYS BEEN ONE ON  
WHICH ODUBER HAS TRODDEN SOFTLY IN PART AT LEAST FOR FEAR OF  
ALIENATING FIGUERES AND PROVOKING A DEEP SPLIT IN THE PLN.  
(SEE 1976 COSTA RICA CASP). WITH FIGUERES' RECENT POLITICAL  
DEFEAT, AND HIS SUPPORT OF A CANDIDATE IN THE PARTY (FACIO)  
THE FEAR OF A FIGUERES FORMAL SPLIT IS GREATLY REDUCED.  
ONE FACTOR AFFECTING THIS IS WHETHER FIGUERES AND VESCO HWWE  
REALLY SPLIT AS REPORTED. A MORE IMPORTANT CONSIDERATION IS  
WHETHER OR NOT THERE IS AN ODUBER/VESCO RELATIONSHIP, AND IF  
THERE IS, WHETHER ODUBER CAN AFFORD TO OR WOULD NOW BE WILLING  
TO ACT TO THE PREJUDICE OF VESCO.

C) COSTA RICANS ARE DISGUSTED WITH THE IMAGE VESCO BRINGS TO THE COUNTRY. COSTA RICAN LEADERS ARE PAINFULLY AWARE THAT VESCO'S CONTINUED PRESENCE AND THE EXISTENCE OF THE VESCO LAW BRING DISGRACE TO THE COUNTRY. THIS IS ESPECIALLY SO WHEN VESCO MAKES SENSATIONAL PUBLIC DECLARATIONS AND WHEN SORDID VESCO - CONNECTED ACTIVITIES ARE REVEALED (E.G., RECENT PRESS ACCOUNTS CONCERNING CONNECTION OF VESCO NAME TO DUKE HALL MURDER CASE; VESCO'S AVOIDING TAXES ON HIGH POWERED LAUNCHES; PRESENCE OF FOREIGN BODY GUARDS IN VESCO'S RETINUE). PLN MEMBERS OF THE LEGISLATURE HAVE VOICED SUCH OPINION TO EMBOFFS IN RECENT WEEKS.

CONFIDENTIAL

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PAGE 02 SAN JO 04663 02 OF 02 271556Z

8. IT IS HIGHLY POSSIBLE THAT AT LEAST SOME ELEMENTS OF THE GOVERNMENT/PLN HAVE IN MIND A STRATEGY THAT WOULD RELIEVE THEM OF THE ONUS OF THE VESCO LAW WHILE AT THE SAME TIME NOT EXPOSING VESCO TO ANY REAL RISK, THIS WOULD HOLD ESPECIALLY IF THERE IS AN ODUBER/VESCO LINK. THE STRATEGY WOULD INVOLVE AMENDING THE LAW TO REMOVE THOSE FEATURES WHICH ARE BLATANTLY PRO-VESCO BUT DOING SO ONLY SHORTLY BEFORE THE DATE ON WHICH VESCO BECOMES ELIGIBLE FOR COSTA RICAN CITIZENSHIP. THAT SHORT PERIOD (WEEKS, MONTHS) PRESUMABLY WOULD BE INSUFFICIENT FOR THE USG TO FILE AN EFFECTIVE EXTRADITION REQUEST OR TAKE ANY ACTION THAT MIGHT EFFECTIVELY DELAY THE PROCESS OF GRANTING COSTA RICAN CITIZENSHIP TO VESCO.

9. A VARIATION TO THE ABOVE WOULD HAVE VESCO DEPARTING THE COUNTRY, CLANDESTINELY, IF NECESSARY, UPON AMENDMENT OF THE LAW AND RETURNING AT A TIME WHEN, WITH GOOD LEGAL ASSISTANCE, HE MIGHT SUCCESSFULLY FILE FOR COSTA RICAN CITIZENSHIP.

10. SUCH A STRATEGY WOULD, OF COURSE, IMPACT NEGATIVELY ON THE U.S. WHILE MAKING IT POSSIBLE FOR THE GOCR/PLN TO DEFEND THEMSELVES AGAINST CHARGES OF PROTECTING VESCO. IN THE CIRCUMSTANCES IT IS IMPORTANT THAT WE BE PREPARED TO MOVE EXPEDITIOUSLY AND ON SHORT NOTICE WITH A WELL-PREPARED EXTRADITION REQUEST. FAILING THIS IT WOULD NOT BE POSSIBLE TO PERSUADE ANYBODY HERE THAT THE USG HAS BEEN AT ALL SERIOUS IN THIS MATTER AT ANY TIME.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, EXTRADITION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 27 SEP 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** blochd0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976SANJO04663  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760364-0579  
**From:** SAN JOSE  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1976/newtext/t19760916/aaaaanox.tel  
**Line Count:** 214  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION ARA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** blochd0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 29 OCT 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** WITHDRAWN <19 JUL 2004 by coburnhl, PRIVACY>; RELEASED <29 OCT 2004 by ElyME>; APPROVED <03 NOV 2004 by blochd0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CHANGE IN VESCO LAW ON HORIZON  
**TAGS:** PFOR, PGOV, CS, (VESCO, ROBERT)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006